

REMARKS

As set forth, Applicants have canceled claims 15-16 because they were drawn to a non-elected invention. In addition, Applicants added new claims 17-30. Support for these claims can be found throughout the specification. For example, support for claims 17-20 can be found at least in Figures 2A and 2B and their corresponding descriptions at p. 21, line 27 to p. 22 line 8, which describe the appearance of on-camera presenters during programming features in the main window and, hence describe a full motion video element that becomes part of the composite presentation; support for claims 21 and 27-30 can at least be found at p. 22, lines 24-30, which describe the capability to run live commercials, i.e., full motion video, in other windows of the multi-window display than the main window; support for claim 22 can at least be found at p. 24, lines 15-20, which describe the playing of a video clip (i.e., full motion video) in a window after its selection by the viewer; and support for claims 23-26 can at least be found at p. 24, lines 20-28.

Claims 13-14 and 17-30 are now currently pending.

Within the Final Office Action mailed March 8, 2006, claims 13-14 were again rejected under 35 U.S.C. § 102(b) as being anticipated by Kuwabara et al., U.S. Patent No. 5,909,439. After a careful review of the cited reference, Applicants respectfully request reconsideration in view of the following remarks.

Applicants submit, that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single ... reference.” (MPEP § 2131). Further, “[t]he identical invention must be shown in as complete detail as contained in the ... claims.” (MPEP § 2131). Applicants submit that Kuwabara does not teach the identical invention in as much detail as recited in the present claims.

Claim 13 includes “a set top application system to process the interactive programming into the broadcast quality interactive programming to be displayed to viewers, wherein the interactive programming is carried by the digital streaming media and enables viewers to select displayed items for purchase, and wherein the broadcast quality interactive programming is media that includes full-motion video suitable for display on a television.” Applicants submit that Kuwabara does not teach an interactive information distribution system delivering digital interactive streaming media over a large geographic area including these claim limitations.

Applicants submit that there are significant differences between the teachings of the Kuwabara patent and the present claims. Notably, differences between the teachings of the Kuwabara patent and the present claims come about from Kuwabara’s teachings regarding transmission of a **conventional television signal** that includes an interactive page overlaid on the conventional tv signal. For example, a shopping program is transmitted as frames of data that comprise still photographic information (no full-motion video), which is then overlaid on the conventional tv signal. Kuwabara discloses that, when received at a set-top box satellite signal receiving terminal, the plurality of packets constituting a shopping service program is stored in a RAM and converted by a CPU into a packet that is a single arrangement of information units comprising *one screen view* to be displayed by the set-top box. Next, the shopping information such as “text data, still pictures and graphics” is synthesized as a single screen by a multimedia DEC within the set-top box. An MPEG-V DEC decodes the MPEG 2 moving image data and plays the TV broadcast program. (Col. 27, lines 34-46).

The limitation in the system of the Kuwabara patent to a single moving image with still information overlays is also evident from Figures 24 and 34 and the descriptions (i) at Col. 34,

lines 17-20, where the data is described as being decoded into text, graphics, and still images, (ii) at Col. 35, line 34-51, where delivery and overlaying of street map information is described as still image information or graphics, (iii) at Col. 38, lines 22-26, where the assembly of a composite image is described as including the user's name, a price, a photograph of the user, and similar still image elements or graphics superimposed on the background image, and (iv) at Col. 38, line 48-57, where "preparatory screens" are described as being used to permit scrolling between still image compositions that are assembled from elements downloaded from the satellite signal.

Moreover, this interpretation is underscored by the description in Kuwabara of the storage of shopping service data in set top box RAM, which is first searched for desired data before downloading more from the satellite. (See col. 29, line 26-40). Such data could not be practically and economically stored in RAM in a consumer-priced set top box if the data were broadcast-quality video, i.e., if the data contained high quality moving images. Consequently, Applicants submit that Kuwabara does not teach "a set top application system to **process the interactive programming into the broadcast quality interactive programming** to be displayed to viewers," as in claim 13.

In addition, within Applicant's system, the "interactive programming" as recited in claim 13 includes raw data that is manipulated by a set top application system to produce "broadcast quality interactive programming," as recited in claim 17.

The interactive media taught in Kuwabara is not a "broadcast quality" television program, as recited in claim 13 ("**broadcast quality interactive programming is media that includes full-motion video suitable for display on a television**"), but rather still pictures

overlaid on a TV program because the shopping program is transmitted as frames of data that comprise still photographic information (no full-motion video).

More particularly, Kuwabara teaches that layered shopping information comprises a group of data frames including text, still picture information, and audio, separately inserted into a multimedia packet as a single block of layered shopping information comprising a plurality of frames. (Col. 31, lines 4-14). A still frame is not broadcast quality. Broadcast quality describes media that includes full motion video suitable for display on a television, such as, for example, at 24 or 30 frames per second, as recited in claim 18. As such, Kuwabara does not teach "digital interactive streaming media [that] provides different broadcast quality interactive programming," as recited in claim 13.

Since Kuwabara does not teach all the limitations of claim 13, Kuwabara does not anticipate claims 13-14 and 17-26.

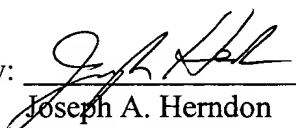
CONCLUSION

Applicants respectfully submit that, in view of the remarks above, all of the pending claims are in condition for allowance. Applicants therefore respectfully request such action. The Examiner is invited to call the undersigned at (312) 913-3331 with any questions or comments.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: 7/19/06

By: 
Joseph A. Herndon
Reg. No. 50,469